



State of Ohio Environmental Protection Agency

Southeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

October 28, 2008

**RE: GALLIA COUNTY
SITE - GEN**

Dr. Gordon Amsbary
1024 Second Avenue
Gallipolis, OH 45631

Dear Dr. Amsbary:

On October 17, 2008, I met with you and Ms. Barb Bradley, representing the Gallia County Health Department, at a property you own at the southeast corner of the intersection of Jackson Pike (Gallia County Road 35) and Mitchell Road (Gallia County Road 8). Ms. Bradley and I met with you as ordered by Gallia County Common Pleas Judge Dean Evans. During this site visit, I explained to you what materials were considered solid waste and demolition debris.

During this site visit, I observed vegetative waste, discarded mulch, discarded cold patch from a paving operation and other various solid waste. All of these materials are considered solid waste and must be disposed of at a licensed solid waste disposal facility. The accumulation of these solid wastes on your property is considered open dumping and is in violation of Ohio Revised Code (ORC) chapter 3734.03 and Ohio Administrative Code (OAC) 3745-27-05(C).

ORC 3734.03 states in part:

"No person shall dispose of solid wastes by open dumping or open burning. . ."

OAC 3745-27-05(C) states:

"No person shall conduct, permit, or allow open dumping."

ORC 3734.03 prohibits the open burning of solid waste. Any open burning activities at the above referenced property will be turned over to Ohio EPA's Division of Air Pollution Control for investigation and enforcement.

Also during this visit, I observed large quantities of concrete and black top piled on the above referenced property. Ms. Bradley indicated that this material had been present for over two years. Also, other demolition debris, such as lumber, pressure treated lumber and plaster were observed on this property. This is in violation of OAC 3745-400-05(B).

OAC 3745-400-05(B) states in part:

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“Clean hard fill may be stored for a period of less than two years. For the purpose of this rule, “stored” means debris which is held in a manner remaining retrievable and substantially unchanged. Clean hard fill stored more than two years shall be considered illegal disposal of construction and demolition debris.”

All solid wastes, including the mobile home located towards the rear portion of the property and the vegetative debris must be removed from the property and disposed of at a licensed solid waste disposal facility. All demolition debris, concrete, black top and lumber must be removed from the property and disposed of at either a licensed solid waste disposal facility or a licensed construction and demolition debris disposal facility.

If you have any questions, please contact me at (740) 380-5443.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trevor L. Irwin', with a stylized flourish at the end.

Trevor L. Irwin, R.S.
Environmental Specialist II
Division of Solid and Infectious Waste Management

TLI/cb

cc: Barb Bradley, Gallia County Health Department